



***United States Attorney
Southern District of New York***

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**CONTACT: U.S. ATTORNEY'S OFFICE
MARVIN SMILON, HERBERT HADAD,
MICHAEL KULSTAD
PUBLIC INFORMATION OFFICE
(212) 637-2600
(718) 422-1870**

**U.S. INDICTS BROOKLYN DOCTOR ON CHARGES
OF HELPING LUCHESE SOLDIER IN TAX FRAUD SCHEME**

JAMES B. COMEY, United States Attorney for the Southern District of New York, announced today that JUDE T. BARBERA was indicted on charges of supplying false W-2 forms to a member of the Luchese Organized Crime Family. The twelve-count Indictment was returned today by a grand jury in White Plains federal court.

According to the Indictment, BARBERA, a urologist working out of an office located at 2519 Avenue U in Brooklyn, New York, agreed to help a co-conspirator not named as a defendant ("CC-1") with filing federal income tax returns claiming CC-1 was an employee of BARBERA's practice, Jude T. Barbera, M.D., P.C. According to the Indictment, CC-1 is a "soldier" in the Luchese Organized Crime Family of La Cosa Nostra.

The Indictment alleges that, for the years, 1995 through 2000, BARBERA arranged for his practice to provide CC-1 with W-2 forms which made it appear that CC-1 was a bona fide

employee of Jude T. Barbera, M.D., P.C., which enabled the CC-1 falsely to claim on CC-1's own federal income tax returns that the CC-1 was a legitimate salaried employee, when CC-1 was not. BARBERA is also accused of filing corporate tax returns in the years 1995 - 2000 which contained a deduction for CC-1's purported salary, which had the effect of reducing the practice's ordinary income.

BARBERA was previously indicted on September, 27, 2002 on five charges including Health Care Fraud, Mail Theft and Employee Benefit Plan, and Obstruction of Justice.

According to the Indictment, BARBERA filed for health care coverage and benefits for the CC-1 from Local 348 of the United Food and Commercial Workers International Union Health and Welfare Major Medical Plan ("The Union Fund"). In 2000, in Westchester, the CC-1 applied for medical coverage for CC-1, CC-1's spouse and daughter, falsely claiming the CC-1 was an employee of Jude T. Barbera, M.D., P.C., when CC-1 was not. BARBERA is also accused of filing false medical claims for CC-1 and CC-1's daughter, and then providing the United States Attorney's Office in connection with its investigation.

In total, BARBERA faces two Conspiracy charges, five Aiding and Assisting False Tax Return charges, one Employee Benefit Plan theft charge, one False Statement charge, one Mail Fraud charge, One Health Care Fraud charge, and One Obstruction of Criminal Investigations charge. If convicted, BARBERA faces a maximum of five years in prison on each of the Conspiracy,

Theft from Employee Benefit Plan, False Statements, and Obstruction charges, three years in prison on the Aiding and Assisting charge, 10 years in prison on the Health care Fraud charges, and 30 years in prison on the Mail Fraud charge.

BARBERA is scheduled to be arraigned before United States District Judge ALLEN G. SCHWARTZ on February, 21, 2003 in White Plains federal court.

Mr. COMEY thanked the IRS for its assistance in this case, and noted the investigation is continuing.

BARBERA, 45, lives in Manhattan.

The charges outlined in this Indictment are merely accusations, and the accused is presumed innocent unless and until proven guilty in a court of law.

Assistant United States Attorneys JONATHAN ETRA and TIMOTHY J. TREANOR are in charge of the case.

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